

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT VASQUEZ,

Plaintiff,

v.

Civ. No. 22-522 MIS/SCY

NEW MEXICO DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

ORDER SETTING HEARING ON MOTION TO RECONSIDER

This matter is before the Court on Plaintiff's Motion To Reconsider (Doc. 127), in which Plaintiff's counsel requests reconsideration of the order awarding attorney's fees against her in the amount of \$13,614.35. Doc. 125 at 11. Plaintiff's counsel's primary argument is inability to pay the sanctions. Plaintiff's counsel filed a four-page affidavit with 62 pages of exhibits. In that affidavit, she provides evidence of minimal savings or other resources to meet her reasonable expenses of daily living. She does not, however, provide information related to her income, other than to give an amount of her income-based student loan repayment monthly assessments.

The Court sets this matter for a hearing on **Tuesday, February 11, 2025 at 1:00 p.m.** in the Chama Courtroom located at the Pete V. Domenici United States Courthouse, Fourth Floor, 333 Lomas Boulevard, N.W., Albuquerque, NM 87102. At the hearing, Plaintiff's counsel should be prepared to address:

1. The amount of her annual income and whether Defendants should be privy to information about Plaintiff's counsel's annual income, expenses, and savings.
2. What amount of sanction the Court may nevertheless impose even if Plaintiff's counsel demonstrates a total inability to pay. *White v. Gen. Motors Corp.*, 908 F.2d 675, 685

(10th Cir. 1990) (“We also hold that even if plaintiffs prove that they are totally impecunious the court may impose modest sanctions to deter future baseless filings.”); *Dodd Ins. Servs., Inc. v. Royal Ins. Co. of Am.*, 935 F.2d 1152, 1160 (10th Cir. 1991) (“But even if plaintiffs prove a total inability to pay, the court may assess a moderate sanction to deter future abusive litigation.”).

SO ORDERED.



STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE